

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3148 of 1988  
with  
SPECIAL CIVIL APPLICATION NO.601 OF 1987

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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HARSHAD R SHAH

Versus

STATE OF GUJARAT  
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Appearance:

MR SN SOPARKAR for Petitioners  
MR SP HASURKAR for Respondent No. 1  
MR SN SHELAT for Respondent No. 2  
MR MR ANAND for Respondent No. 3, 4, 5, 6,  
7, 8, 9,10,11,12,13,14,15,16,17,18,19,20,21,22  
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CORAM : MR.JUSTICE M.S.SHAH  
Date of decision: 09/08/1999

ORAL JUDGEMENT

In view of the ad interim order dated 23.6.1988  
and the interim order dated 29.6.1988 the impugned  
decision dated June 20 1988 discontinuing the  
arrangements for P.G. Training studes for P. G. students

of the B.J. Medical College at ESIS Medical College at Bapunagar has not been implemented so far.

2 In view of the aforesaid state of affairs this Court does propose to set out all the facts and the contentions of the rival parties. The relevant para of the impugned Resolution states as under:-

" On further careful consideration the Government has felt that there are many practical and administrative problems arising out of this arrangement made at E.S.I.S. Hospital, Bapunagar at Ahmedabad and the Government has, therefore, on reconsideration, decided to discontinue forthwith the arrangements for Post Graduates' training studies for P.G. Students of B.J.Medical College at ESIS Hospital, Bapunagar at Ahmedabad."

The aforesaid arrangement was started in the year 1984 and the same has continued for the last 15 years.

3 Without expressing any opinion on the defences urged on behalf of the State Government through their affidavit-in-reply filed in the year 1988, it appears to the Court that since the number of beds at ESIS hospital at Bapunagar would have a direct bearing on the number of students who could be admitted at the B.J.Medical College and the number of P.G. students and registrations and considering the fact that the record as on today does not disclose as to how the number of registrations and residencies could be maintained even without having ESIS Hospital as a satellite hospital for the medical students, the impugned resolution dated 20.6.1988 is required to be quashed and set aside. In case respondents decide to reconsider the matter in future, same shall not be done without giving the ESIS Class-I Doctors Association through its office bearers as well as the Gujarat University through its Registrar and the Dean of B.J.Medical College an opportunity of being heard. In case the Government decides to discontinue the ESIS Hospital as a Satellite Teaching Hospital, the same shall not be implemented for a period of two months from the date of communication to the aforesaid parties. Both the petitions are accordingly disposed of.

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(mohd)